

REMARKS

After entry of the above amendments, claims 28-39 will be pending in the present application. Previously pending claims 1-27 have been cancelled. New claims 28-39 have been added. Support for the new claims can be found in the specification, the drawings, and the claims as originally filed. No new matter has been added.

In this Amendment, Applicant has cancelled previously pending claims 1-27 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by claims 1-27 is not patentable over art cited by the Examiner. Claims 1-27 have been cancelled in this Amendment solely to facilitate expeditious prosecution of the present application. Applicant reserves the right to pursue claims directed to the subject matter encompassed by claims 1-27 and any other claims in one or more continuing and/or divisional applications.

Examiner Shin is thanked for speaking with the Applicant's attorney in a telephone interview on January 24, 2008 regarding a proposed new claim, which corresponds to newly added claim 28. Applicant also wishes to thank Supervisory Examiner Flynn for speaking with the Applicant's attorney over the telephone on January 30, 2008. Supervisory Examiner Flynn has agreed that if Applicant's arguments regarding newly added claim 28 are deemed to be unpersuasive, then the Examiner will contact the Applicant's attorney to conduct another telephonic interview before issuing a final Office action.

§ 103 Rejections

Previously pending claims 1-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,870,561 to Jarvis et al. (hereinafter “Jarvis”), in view of U.S. Patent Application Publication No. 2003/0126280 to Yao et al. (hereinafter “Yao”).

New claim 28 recites:

28. A system for managing congestion and avoidance behavior of network processors, the system comprising:

a plurality of network processors controlling network traffic, a first of the plurality of network processors being of a different model or version from a second of the plurality of network processors;

a host processor including a congestion control application that manages congestion and avoidance behavior of the plurality of network processors, the congestion control application being network processor independent such that the congestion control application need not have specific knowledge of a network processor’s hardware, software, or firmware in order to manage the network processor’s congestion and avoidance behavior; and

a plurality of application programming interfaces (APIs), each of the plurality of APIs being usable by the congestion control application of the host processor to manage the congestion and avoidance behavior of any of the plurality of network processors, none of the plurality of APIs being limited for use with a specific network processor model or version.

Jarvis is directed to “[a] policy-driven network traffic manager [that] recommends to individual application programs that generate network traffic whether, and optionally under what conditions, they should generate network traffic” (Abstract of Jarvis). Jarvis does not disclose, teach, or suggest “a plurality of network processors controlling network traffic”, “a host processor including a congestion control application that manages congestion and avoidance behavior of the plurality of network processors”, and “a plurality of application programming interfaces (APIs) . . . usable by the congestion control application of the host processor to manage the congestion and avoidance behavior of any of the plurality of network processors”, as recited in claim 28.

Specifically, the “application programs” in Jarvis cannot be construed as disclosing, teaching, or suggesting the “network processors” recited in claim 28 because programs are not processors. In

addition, the “application programs” in Jarvis do not control network traffic. Rather, the “application programs” generate network traffic.

Further, the “network traffic manager” in Jarvis cannot be construed as disclosing, teaching, or suggesting the “host processor” recited in claim 28 because the “network traffic manager” in Jarvis is simply a program, not a processor. Moreover, the “network traffic manager” in Jarvis only manages the behavior of “application programs”, which cannot be construed as disclosing, teaching, or suggesting the “network processors” recited in claim 28.

Although Jarvis discloses “an application programming interface (API) 210, by which the clients 200 . . . make requests 212 and receive recommendations 214 as to whether the clients should generate the proposed network traffic” (col. 5, Ins. 1-5 of Jarvis), the “API” in Jarvis cannot be construed as disclosing the “APIs” recited in claim 28 because it “API” in Jarvis is not usable to manage “network processors”, which Jarvis does not disclose, teach, or suggest. Therefore, Jarvis does not disclose, teach, or suggest the elements of claim 28.

Yao is directed to “[a] system and method for providing XON/XOFF port-level flow control for a computer network that has access to a plurality of network processors in communication with the computer network” (Abstract of Yao). Although Yao discloses network processors, Yao does not disclose, teach, or suggest “a host processor including a congestion control application that manages congestion and avoidance behavior of the plurality of network processors” and “a plurality of application programming interfaces (APIs) . . . usable by the congestion control application of the host processor to manage the congestion and avoidance behavior of any of the plurality of network processors”.

In particular, Yao does not disclose, teach, or suggest any “host processor [that] include[es] a congestion control application that manages congestion and avoidance behavior of the plurality of network processors”, as recited in claim 28. In fact, Yao specifically teaches that each network processor monitors its own buffers for congestion and sends its own XON/XOFF flow control messages when applicable (see, e.g., FIG. 2 of Yao and corresponding description).

Additionally, Yao does not disclose, teach, or suggest any “application programming interfaces (APIs) . . . [where] none of the . . . APIs [is] limited for use with a specific network processor model or version”, as recited in claim 28. As clearly illustrated in FIG. 1 of Yao, each “network processor 30” in Yao has its own “interface 40”.

Thus, neither Jarvis nor Yao disclose, teach, or suggest “a host processor including a congestion control application that manages congestion and avoidance behavior of the plurality of network processors” and “a plurality of application programming interfaces (APIs) . . . usable by the congestion control application of the host processor to manage the congestion and avoidance behavior of any of the plurality of network processors”, as recited in claim 28. Consequently, even if Jarvis and Yao were combined, the combination would neither teach nor suggest the elements of claim 28.

Accordingly, based at least on the reasons above, Applicant respectfully submits that new claim 28, and the claims that depend therefrom, are patentable over Jarvis, in view of Yao.

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
SAWYER LAW GROUP LLP

Dated: January 31, 2008

/Erin C. Ming/
Erin C. Ming
Attorney for Applicant
Reg. No. 47,797
(650) 475-1449